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OFFICE OF PETITIONS

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
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WASHINGTON, DC 20036

In re Application of :
Riccardelli et al :
Application No. 10/815,944 : DECISION GRANTING PETITION
Filed: April 2, 2004 :
Attorney Docket No.: 42186 :
Title of Invention: Product and :
Process for Producing a Molded :
Product From Recycled Carpet Waste :

This is a decision on the petition filed October 4, 2004, requesting that a Notice Of Omitted Item(s) in a Nonprovisional Application("Notice") mailed September 24, 2004, be withdrawn.

The application was filed on April 2, 2004. However, on September 24, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 2, 2004 but pages 5, 16, 19 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 27 pages of specification were filed including pages 5, 16, and 19 were filed on April 2, 2004. In support, the petition is accompanied by a copy of applicants' return postcard which lists " Specification 27 pgs". The petition is further accompanied by a copy of pages 5, 16, 19 of the specification.

Applicant's postcard receipt is prima facie evidence that 27 pages of specification (description and claims), including pages 5, 16, 19 were received on April 2, 2004, but pages 5, 16, 19 are not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that pages 5, 16 and 19 of the specification were received on April 2, 2004, as shown in counsel's file, and later misplaced in the office.

The petition is **Granted** to the extent indicated above. The Notice of Missing Parts was correct regarding the need for an oath or

declaration executed by Slater and Raposo. The \$130.00 petition fee will be refunded.

Pages 5, 16 and 19 of the specification supplied on October 4, 2004, will be used for processing and examination purposes.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 2, 2004 using the papers received on that date and the copy of pages 5, 16 and 19 of the specification supplied on October 4, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions